

REMARKS AND ARGUMENTS

Claim 3 stands withdrawn from consideration as being directed to a non-elected invention. It is respectfully submitted that, as amended, Claim 3 is directed to a system that was clearly presented for examination in the original application. The Examiner's attention is directed to the Detailed Description of the Preferred Embodiment on page 6, lines 10-11: "When a system 10 of the present invention is to be assembled. . . . " This Claim 3 addresses the invention of a collection of components of the disclosed shield and temporary work surface, configured for assembly to meet a particular need. In view of the above comments, it is requested that Claim 3, as amended, be reinstated.

Claim 1 stands rejected under 35 U.S.C. § 112 as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. The Examiner is respectfully directed to the Detailed Description of the Preferred Embodiment on pages 5-6: "Bracket 16 [of positioning unit 14] includes holes 17 for use in mounting positioning unit 14 to panel 12 using nuts and bolts (not shown in the drawings)." As Examiner states in the Office Action, using "any conventional removable fasteners, e.g. bolts, screws for their known purpose to enable removable attachment" thereby creates "reversible attach brackets as desired. . . ." In view of the above comments, it is respectfully submitted that Claim 1 does have a proper antecedent basis in the specification.

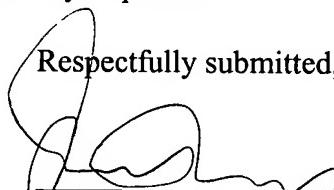
Claim 1 also stands rejected under 35 U.S.C. § 103 as being unpatentable over Gould (Pat. No. 1,790,806) in view of Miller (Pat. No. 5,328,294) and over Mayer (Pat. No. 1,570,164) in view

of Miller. As previously discussed in our response to the Office Action dated 11/12/02, neither Mayer nor Gould teach a flexible system such as is claimed here. Further, the present invention is not rendered obvious in view of Miller because Miller's invention is not analogous prior art. As the Examiner well knows, the test is whether the invention at issue would have been obvious to one of ordinary skill in the relevant art. The relevant art in the instant case is Bathtub Protection technology, while the relevant art surrounding Miller's invention is Manhole Casting technology. There is no suggestion in the analogous prior art to combine the known Manhole Casting technology of a plurality of adjustable foot members with the known Bathtub Protection technology. It is respectfully submitted that Claim 1 is not obvious to one of ordinary skill in the relevant art.

In view of the above, it is submitted that Claims 1 and 3 are in a condition for allowance. Reconsideration and withdrawal of the rejections and objections are hereby requested. Allowance of Claims 1 and 3 at an early date is solicited.

If impediments to allowance of Claims 1 and 3 remain and a telephone conference between the undersigned and the examiner would help remove such impediments in the opinion of the examiner, a telephone conference is respectfully requested.

Respectfully submitted,



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